

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 24, 2007

(No minute approved orders)

WEDNESDAY, DECEMBER 26, 2007

(No minute approved orders)

THURSDAY, DECEMBER 27, 2007

H031177 In re Marriage of WHITTINGHILL

The appeal is dismissed as taken from a non-appealable order. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed December 27, 2007

H030808 PEOPLE v. LE

The judgment is reversed. (published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed December 27, 2007

H030405 PEOPLE v. PHILLIPS

By the Court\*:

Appellants' petition for rehearing is denied.

Filed: December 27, 2007

\*Before Bamattre-Manoukian, Acting P.J., McAdams, J. and Duffy, J.

H030904 PEOPLE v. COLLINS

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed December 27, 2007

H030322 PEOPLE v. BITNEY

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed December 27, 2007

H030017 BINESH et al. v. TRUST DEED INVESTMENTS, INC., et al.

The judgment is reversed and the matter is remanded to the trial court for further proceedings. Each party will bear its own costs on appeal. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed December 27, 2007

H031311 PEOPLE v. BARMINSKI

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed December 27, 2007

Sixth Appellate District

San Jose, California

Thursday, December 27, 2007 (continued)

H031789 BEUTEL v. BARKER

The motion to dismiss the appeal is denied. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed December 27, 2007

H031948 In re RIESA M.; MONTEREY COUNTY DEPARTMENT OF FAMILY  
SOCIAL & EMPLOYMENT SERVICES v. ROSEMARY V.

The judgment is reversed pursuant to the stipulation of the parties. If after proper ICWA inquiry and notice has been given, the juvenile court determines that the ICAW does not apply, the order terminating parental rights shall be reinstated. If any tribe determines that the child is an Indian child, within the meaning of ICWA, the juvenile court shall conduct further proceedings in accordance with the ICWA. The remittitur shall issue forthwith. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed December 27, 2007

H031602 PEOPLE v. HAHLEBECK

The probation order is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)  
Filed December 27, 2007

FRIDAY, DECEMBER 28, 2007

H030421 PEOPLE v. ETIENNE

The court's order setting the restitution fine and the parole revocation fine at \$1,600 each is vacated. The judgment is modified to reduce the restitution fine imposed under section 1202.4 to \$1,000, and to reduce the suspended parole revocation fine imposed under section 1202.45 to \$1,000. As modified, the judgment is affirmed. The superior court is directed to send a certified copy of the corrected abstract of judgment to the Department of Corrections. (not published)  
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)  
Filed December 28, 2007

H030905 HUH v. WANG, et al.

The September 2006 order denying appellant's request to set aside the judgment is affirmed. Respondent shall have costs on appeal. (not published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed December 28, 2007

Sixth Appellate District

San Jose, California

Friday, December 28, 2007 (continued)

H030779 PEOPLE v. VILLACANA

The judgment is modified to strike the orders imposing a \$1,400 restitution fine and a suspended \$1,400 parole revocation fine, and a \$20 security fee and to reflect a \$200 restitution fine, a \$200 suspended parole revocation, and no security fee. As modified, the judgment is affirmed. The court is directed to prepare a new abstract of judgment. (not published)  
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)  
Filed December 28, 2007

H030673 PEOPLE v. TIMOTHY C.

The order of commitment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed December 28, 2007

H030685 EMMER v. ADOBE SYSTEMS INCORPORATED

The order is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed December 28, 2007